

**Patton Landing RFP**  
Questions and Answers #1  
Thursday, November 12, 2009

**Errata:** The closing date for the RFP is December 9, 2009 at 3:00 p.m. Any references to closing on November 30, if encountered in the RFP, should be changed to December 9.

**Question #1.** Rather than paying for many site utilities through quarterly reimbursement to the Conservancy, can the concessionaire request to receive (and pay for) the bills directly?

**Answer:** Yes.

**Question #2.** What is the status of the landscape plantings with regard to its irrigation needs?

**Answer:** These plantings are native and should require low amounts of irrigation to be self sustaining.

**Question #3.** What are the RFP requirements regarding motorized boating? Is there a way to provide motorized activities?

**Answer:** See RFP page 6:

“Patton Landing’s building was permitted as an “accessory use” to the site’s primary beach recreation use, not as an independent commercial facility. As such, the use proposed for the facility must enhance lake access visitation at the site. Food and beverage sales, nonmotorized recreation equipment rentals and instruction, and other beach-oriented recreation concessions are typical accessory uses to beach recreation. The proposed use or uses must be compatible with the size and patronage of the facility/site. **Motorized equipment rental will not be considered for Patton Landing.**”

If a Proposer decides to propose a business element that complies with the RFP that provides for a motorized boating (or other) element, that Proposer should also indicate whether the proposed use is consistent with regulations for the area and demonstrate an understanding of the regional permit processes and requirements for the proposed activity.

**Question #4.** What is the Conservancy’s vision for the area?

**Answer:** The Conservancy has deliberately provided only parameters for the recreation concession, which allows for a range of options to propose at the site. See RFP pages 5-7. In part, the sections state:

“This is a unique RFP that provides maximum flexibility and operational determination to interested proposers within the framework established by the existing permits for operating the site. Patton Landing was developed in 1998 as part of the Carnelian Bay

Lake Access and Resource Enhancement Project. The Conservancy's goals for the Patton Landing operation are to enhance regional lake access and beach recreation opportunities and to support the Carnelian Bay Community Plan's goals and objectives of enhanced beach access, wetland restoration, and improved water quality treatment opportunities, wildlife habitat, and scenic values. In addition, the facility at Patton Landing was incorporated into the project as a long-term means to provide sufficient revenues for the operation and maintenance of the Property.

"Operation of a concession which is both complementary and accessory to beach recreation. For purposes of this proposal, complementary concessions are those which will enhance the public's use and enjoyment of the site by providing services which directly support beach recreation. These include, but are not limited to, food or beverage operations, non-motorized equipment rental, or other recreation-related retail. Motorized equipment rental will not be considered. Accessory concessions are those which recognize that the site's primary purpose is to provide unrestricted, year-round lake access to the public."

**Question #5.** What is the potential of operating said business year-round?

**Answer:** See RFP page 5:

"Business options proposed in response to this RFP may be seasonal in nature or they may operate year-around."

That being said, certain businesses lend themselves better to year-round operations than others. The ability to operate year-round is neither constrained, nor required, by the RFP.

**Question #6.** Who is responsible if there are accidents on the property? What are the requirements for insurance for the concessionaire?

**Answer:** Sections 35 and 36 of the Sample Concession Agreement dictates typical insurance requirements. Page 10 of the RFP notes that required insurances may require modification from the Sample Concession Agreement based upon the nature of the concession.

"35. Liability Insurance. Concessionaire shall also maintain at all times (1) commercial general liability and property damage insurance, with a combined general liability, bodily injury and property damage limit of \$1,000,000 per occurrence, \$1,000,000 aggregate, insuring against all liability of Concessionaire and its authorized representatives arising out of and in connection with Concessionaire's use of, occupancy of, or entry upon the Premises, and the surrounding maintenance and parking areas; products liability and automobile liability (for all owned, non-owned and hired vehicles used by Concessionaire in the conduct of business under this Agreement), with a liability limit per occurrence of \$1,000,000. All such policies of insurance shall be primary insurance, shall name the State of California and the California Tahoe Conservancy, their members, officers and employees as additional insureds, shall contain an endorsement requiring 30 days' written

notice from the insurance company to the Conservancy before cancellation or change in the coverage, scope or amount of the policy and each policy shall provide that any right of subrogation against the Conservancy is waived. A copy of Concessionaire's insurance policy together with all endorsements shall be submitted to the Conservancy for review and approval prior to the commencement of the term of this Agreement.

“36. Workers’ Compensation Insurance. Concessionaire shall provide and maintain in effect throughout the term of the Agreement, a program of workers' compensation insurance, in an amount and form to meet all applicable requirements of the Labor Code of the State of California. Such insurance shall specifically cover all persons providing services by or on behalf of the Concessionaire and shall cover all risks to such persons under this Agreement.”